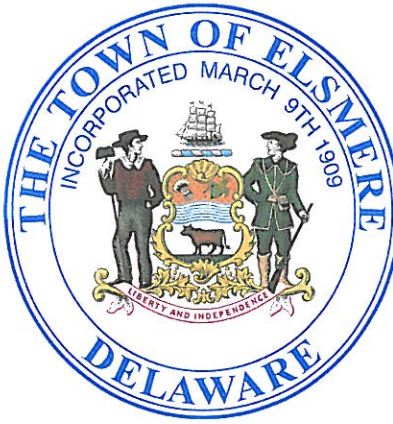


Petition 12-17



TOWN OF ELSMERE

APPEAL TO THE BOARD OF ADJUSTMENT

Any person directly affected by a decision of the Code Enforcement Official or a notice or order issued under this Code shall have the right to appeal to the Board of Adjustment of the Town of Elsmere, provided that a written application for appeal is filed within (20) twenty days after the day the decision, citation, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under has been incorrectly interpreted or the provisions of this code do not fully apply. Additionally, an application for appeal may be based on a claim that an action other than what is required by the Code: 1) provides the same or better protections than what the Code requires and 2) will not cost the Town of Elsmere any more money than enforcing the code as written. If the appellant proves that an action other than what is required by the Code meets these two requirements, the Board of Adjustment may, in its discretion, either enforce the Code as written or permit the proposed alternative action.

Date This appeal was filed: 6/11/12

Tax Parcel Number: 1900500104

Date of the Original Action: 5/25/12

Subject Property Address: 504 Kirkwood Hwy
Elsmere Wilm De 19805

Property Owner's Name: DRHLS

Property Owner's Address: 408 Mary Ann Dr
Wilmington DE 19804

Phone Number: 302 293 8187

Applicant's Name: Lino Rivera

Applicant's Address: 3374 Carter Ln Chester Pa 19013

Specific Item Being Appealed: (ex: Citation Number, Petition Number, Order Number, Etc.)

Violation V2-00125
See Attached appeal (2) pages

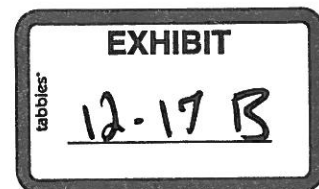
Applicant's Signature: Lino Rivera Date: 6/11/12



Township of Elsmere vs DRLBLS

An appeal is being entered by Automart LLC tenant at 504 Kirkwood Hwy as an affected party to the above violations.

- 1.) It is an extreme hardship for us to keep both owners and employee cars on the lot during business hours. I feel confident no one else in this town has this type of problem.
- 2.) We run a clean and presentable business that contributes to the Elsmere economy. Any negative comparison you may be making to us and the previous owner is erroneous.
- 3.) When a customer drives on our lot it requires us to move owner and /or employee cars off the lot to make room for them.
- 4.) We do not leave owner or employee vehicles over night on the public streets of Elsmere.
- 5.) The ordinance #546 does not permit any employee or owner to park anywhere in the Town of Elsmere on any public road for any reason.
- 6.) It seems we are being singled out as the only business in Elsmere to be unwelcome because we are a Used Car Dealer.
- 7.) The ordinance states any employee of ours who lives in Elsmere is not permitted to park on their own street in front of their own home.
- 8.) I believe we have a councilman who lives on our street who wants to become mayor and tries to find any issue that will get the towns attention to promote his own agenda.



Thank You,

Lino Rivera (part time employee)



THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

*****CITATION*****

EXHIBIT

tabbies

12-17C

11 Poplar Avenue – Elsmere, DE 19805 Phone: 302-998-2215 Fax: 302-998-9920

RESPONSIBLE PARTY Lino Rivera 3374 Carter Lane Chester, PA 19013	CITATION #	V2-00125
	OFFICER	Brian Swift
	VIOLATION DATE	5/25/12
	PROPERTY ADDRESS	504 Kirkwood Hwy Wilmington, DE 19805
	ABATEMENT DATE	N/A

On the above date, the Code Enforcement Department performed an inspection of the above referenced property. During this inspection, a violation of the Town of Elsmere Code was discovered. The nature of the civil citation is described below.

Specific Violation	Code Section	Due Date	Amount Due
Any vehicle owned by or operated by the employees, owners or partners of the used car business shall be parked off the street on the used car business lot.(Vehicle needs to be parked off the street)	Town of Elsmere Code 225-30.1 (B)	6/25 /12	\$50.00
<p>*****<u>CITATION INFORMATION</u>*****</p> <p>In order to process your payment, please write the property address in violation in the memo section of the check or money order, and then mail it with the voucher below.</p> <p>You may also pay your fee in person at Town Hall, 11 Poplar Ave., Elsmere, DE 19805.</p> <p><u>ABATEMENT COST</u></p> <p>If the violation noted above is not corrected by 4:00 pm. on the "ABATEMENT DATE" listed above, the Town will take action to abate the violation. If this becomes necessary in addition to the \$50.00 fine already assessed you will owe to the Town the costs of the abatement.</p> <p>Should you have any questions please contact the Code Enforcement Department at (302) 998-2215</p>			

The "Amount Due" associated with this violation is a civil penalty and is due by no later than the "Due Date". Additionally if the violation is not abated by the "Abatement Date" shown above, the Town will take action to correct the violation. If this becomes necessary you will be responsible for the payment of all abatement costs incurred by the Town. Failure to pay the "Amount Due" and any abatement costs assessed shall give rise to a lien on the property pursuant to Title 25, Chapter 29, of the Delaware Code. You must pay this civil penalty of \$50.00 by the "Due Date" of this citation, even if the violation has been corrected.

Please return this section with your payment.

DUE DATE	PARCEL NUMBER	CITATION NUMBER	AMOUNT DUE
6/25 /12	1900500104	V2-00125	\$50.00

Make Checks Payable To: The Town of Elsmere
Mail Your Payment To: The Town of Elsmere
Finance Department
11 Poplar Avenue
Elsmere, DE 19805

- Each 24-hour period that the condition giving rise to this citation continues will be subject to a separate citation and an additional civil penalty in the amount of \$50.00.
- You have the right to appeal this violation by submitting a written application to the Town of Elsmere's Board of Adjustment within twenty (20) days of the date of this violation. **MEANS OF APPEAL SHOWN ON THE BACK.**

TOWN OF ELSMERF

11 POPLAR AVE
ELSMERE, DE 19805
ATTN: CRAIG HANNA
TEL: (302)998-2215
FAX: (302)998-9920

EXT: 104



INVOICE NO.

I2-01832

INVOICE DATE: 06/07/12

DUE DATE: 07/07/12

CUSTOMER #: P-000195

DRLBLS LLC
408 MARY ANN DRIVE
WILMINGTON, DE 19804

VIOLATION INFORMATION

VIOLATION ID: V2-00125

LOCATION: 504 KIRKWOOD HY

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	CODE-CIT	CODE CITATION 504 Kirkwood Hwy Town of Elsmere Code 225-30.1(B) Any vehicle owned by or operated by the employees, owners or partners of the used car business shall be parked off the strett and on the used car business lot.	50.0000	50.00
			TOTAL INVOICE	50.00

TOWN OF ELSMERE
11 POPLAR AVE
ELSMERE, DE 19805

DRLBLS LLC
408 MARY ANN DRIVE
WILMINGTON, DE 19804

Invoice Id: I2-01832

Customer Id: P-000195

Due Date: 07/07/12

Total Due: 50.00

